

Message Text

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TAGS: UN, PFOR

SUBJECT: UNGA LEGAL COMITE: AD HOC COMITE ON UN CHARTER
AND STRENGTHENING THE ROLE OF UN (SOR)

SUMMARY: DEBATE ON ITEMS CONTINUED FRI NOV 14 WITH STATEMENTS
BY NEPAL, US (LEIGH), AUSTRALIA, NIGERIA, CHINA, NICARAGUA,
ITALY AND CAMEROON. NIGERIAN DEL EMPHASIZED DISTINCTION
BETWEEN REVIEW AND REVISION, AND THAT LATTER SHOULD NOT BE
UNDERTAKEN WITHOUT STRONG REASONS. CHINESE DEL DELIVERED
STRONGER THAN USUAL (FOR LEGAL COMITE) POLEMIC AGAINST
SUPERPOWERS. END SUMMARY.

1. AT CONTINUED LEGAL COMITE DEBATE ON SUBJECT ITEMS, FRI
NOV 14, US DEL (MONROE LEIGH) NOTED THAT USG, UPON FURTHER
REFLECTIONS ON SUBJECT ITEMS, INCLUDING PREPARATION FOR AND
PARTICIPATION IN AD HOC COMITE ON UN CHARTER, HAS RETAINED
ORIGINAL SKEPTICISM AND CONCERN ON QUESTION OF CHARTER
REVIEW. US DEL RECAPITULATED US POSITION THAT CHARTER REVIEW
EXERCISE WOULD TEND UNDERMINE RATHER THAN ENHANCE CONSTRUC-
TIVE, INTERPRETATIVE DEVELOPMENTS UNDER UN CHARTER; THAT
HARDENING OF POSITIONS WOULD RESULT ON ISSUES WHICH HAVE
BEEN PUT TO REST BY DELICATE COMPROMISES; THAT TO FOSTER
INSTITUTIONAL STABILITY THE TEXT OF THE CHARTER SHOULD NOT
BE TINKERED WITH; THAT PREOCCUPATION WITH SUCH TINKERING
RUNS THE RISK OF DIVERTING ATTENTIONS AND CONCERNS FROM
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THE URGENT PROBLEMS WITH WHICH THE INSTITUTION CAN AND

MUST DEAL; AND, IN FACT, THAT THE CHARTER HAS PROVEN TO BE A LIVING DOCUMENT WHICH HAS ADOPTED TO THE CURRENTS OF TIME. USDEL POINTED TO UNPRODUCTIVE SESSION OF AD HOC COMITE AS DEMONSTRATING US VIEW OF INUTILITY OF THE EXERCISE; THOUGH HE FOUND SOME BENEFIT MIGHT BE DERIVED FROM FOLLOW-UP ON THE WORK OF THE COMITE ON RATIONALIZATION OF THE PROCEDURES OF THE ASSEMBLY AND THE WEALTH OF GOVERNMENTAL COMMENTS ALREADY SUBMITTED IN THE CONTEXT OF SOR. USDEL SPOKE ALSO IN OPPORTUNITIES FOR IMPROVING ROLE OF UN WHICH LIE IN AREA OF PEACEFUL SETTLEMENT OF DISPUTES; NAMELY, GREATER RESORT TO THE INTERNATIONAL COURT OF JUSTICE (ICJ) FOR DECISIONS AND ADVISORY OPINIONS, AND THE GREATER EXPLORATION OF OTHER POSSIBILITIES SUCH AS FACT-FINDING, CONCILIATION AND MEDIATION. USDEL ARGUED THAT MATTERS SUCH AS THESE SHOULD BE EXPLORED BEFORE DISTRACTING OURSELVES WITH MORE AMBITIOUS AND LESS LIKELY SCHEMES INVOLVING AMENDMENTS TO THE CHARTER.

2. NEPALESE, NICARAGUAN, CAMEROON, AND ITALIAN DELS FAVORED CHARTER REVIEW. NEPALESE DEL STATED WILLINGNESS CONSIDER ANY SPECIFIC PROPOSAL FOR IMPROVEMENT IN UN. NICARAGUAN STATED PRINCIPLES AND PURPOSES OF CHARTER SHOULD NEVER CHANGE, WHILE NUMEROUS ASPECTS, LIKE ARTICLES ON SECURITY COUNCIL AND ECOSOC, NEED STRENGTHENING. CAMEROON DEL APPROACH TO REVISION OF CHARTER TENDED TO BE RESTRICTED TO OBSOLETE ARTICLES (53 AND 107) OF CHARTER, WHILE HE REGARDED THERE WAS MUCH COMITE COULD RECOMMEND TO STRENGTHEN UN WITHOUT CHANGE IN CHARTER. ITALIAN DEL WAS CONVINCED OF UTILITY TO REVIEW CHARTER, THOUGH HE BELIEVED THAT WHEN IMPROVEMENTS IN UN COULD BE ACHIEVED WITHOUT CHARTER REVISION, SUCH MEANS WERE PREFERRED TO CHARTER REVISION. NONETHELESS REVISION SHOULD NOT BE EXCLUDED FROM THE REVIEW PROCESS. NICARAGUA, CAMEROON AND ITALY BELIEVED AD HOC COMITE SHOULD CONTINUE IN EXISTENCE. ITALY BELIEVED LEGAL COMITE SHOULD GIVE RENEWED AD HOC COMITE CLEAR GUIDELINES, AND THAT AD HOC COMITE SHOULD FOCUS ATTENTION ON EACH OF THE FUNCTIONS OR COMPETENCES OF THE UN, CONSIDER AREAS WHERE IMPROVEMENTS MIGHT BE MADE, AND RECOMMEND THE IMPROVEMENTS.

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3. NIGERIAN DEL WAS OPEN-MINDED ON NEED FOR CHANGE IN UN, BUT DISTINGUISHED BETWEEN REVIEW AND REVISION OF CHARTER. SHE BELIEVED THAT STRONG REASONS WERE NOT NECESSARY FOR REVIEW OF CHARTER, BUT THAT THEY WERE REQUIRED FOR CHARTER REVISION. AS COSPONSOR OF GA RESOLUTION 3349 (XXIX) WHICH ESTABLISHED AD HOC COMITE, NIGERIA HAD SUPPORTED CHARTER REVIEW DUE TO LAPSES OF TIME SINCE ADOPTION UN CHARTER,

LARGE INCREASE IN UN MEMBERSHIP, ET AL. NIGERIAN DEL, HOWEVER, BELIEVED IT WAS STILL TOO EARLY TO EXAMINE CONCRETE PROPOSALS. SHE BELIEVED AD HOC COMITE SHOULD CONTINUE COLLECT FACTS AND RECOMMEND TO GA WHETHER OR NOT REVIEW PROCESS SHOULD CONTINUE. IF CONTINUATION WERE RECOMMENDED, GA SHOULD THEN ESTABLISH A REVIEW PANEL TO RECOMMEND FUTURE PROCEDURE TO FOLLOW.

4. CHINESE STATEMENT WAS ESSENTIALLY POLEMIC AGAINST COLONIALIST, HEGEMONIST, SOCIAL IMPERIALIST, ETC, SUPERPOWERS. CHINESE FAVORED REVIEW AND REVISION OF CHARTER. CHINESE DEL STATED SOCIALIST IMPERIALSIT HAS TRIED EVERY WAY IMAGINABLE TO CONTROL UN. HE STATED THE SPLIT BETWEEN THIRD WORLD AND TWO SUPERPOWERS HAS BEEN SHARPENING THE DISPARITY IN UN PRIVISIONS WHICH PREVENT THIRD PURSUING ITS GOALS IN UN. CHINESE DEL OBSERVED THAT SUPERPOWERS HAVE USED ABSURED ARGUMENTS TO COUNTER CHARTER REVISION INCLUDING ARGUMENT BY ONE SUPERPOWER THAT THERE EXISTED A TYRANNY OF MAJORITY IN UN, AND ARGUMENT BY OTHER SUPERPOWERS THAT TO SEEK CHANGE CHARTER IS TO UNDERMINE THE UN. CHINESE DEL PERCEIVED DANGER OF NEW WORLD WAR DEVELOPING BECAUSE OF SUPERPOWER ACTIONS--THOUGH THE MAIN CAUSE OF THAT WAR WOULD BE THE SOCIAL IMPERIALIST SUPERPOWER WHICH HAS USED THE UN TO SERVE ITS DESIRES FOR EXPANSION, AGGRESSION AND HEGEMONISM. CHINESE DEL STATED ALL ARGUMENTS AGAINST REVISION ARE MERELY EXCUSES OF SUPERPOWERS TO HIDE THEIR FEAR THAT THEY WILL LOSE THEIR PRIVILEGES. HE CONCLUDED WITH OPINION THAT AD HOC COMITE HAS JUST BEGUN WORK AND SHOULD CONTINUE TILL ITS CONCLUSION.

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